

CARLSMITH BALL LLP

LINDSAY N. MCANEELEY
ERIKA S. GUSTIN
ASB Tower, Suite 2100
1001 Bishop Street
Honolulu, HI 96813
Tel No. 808.523.2500
Fax No. 808.523.0842
lmcaneely@carlsmith.com
egustin@carlsmith.com

8810
11188

BUCHALTER
A Professional Corporation

TRACY A. WARREN*
RICK A. WALTMAN*
655 West Broadway, Suite 1625
San Diego, CA 92101
Telephone: 619.219.5335
twarren@buchalter.com
rwallman@buchalter.com

CA SBN: 228013
CA SBN: 306463

*Admitted *Pro Hac Vice*

Attorneys for Defendant
HOST HOTELS & RESORTS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

PETER STROJNIK,

Plaintiff,

vs.

HOST HOTELS & RESORTS, INC.
dba Andaz Maui at Wailea Resort,

Defendant.

CIVIL NO. 19-00136-JMS-RT

**DEFENDANT HOST HOTELS &
RESORTS, INC.'S MOTION TO
DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT [ECF NO.
19]; MEMORANDUM IN SUPPORT
OF MOTION; REQUEST FOR
JUDICIAL NOTICE; DECLARATION
OF COUNSEL; EXHIBITS "1" - 17;
CERTIFICATE OF COMPLIANCE;
CERTIFICATE OF SERVICE**

Trial Date: February 2, 2021
Judge: Hon. J. Michael Seabright

**DEFENDANT HOST HOTELS & RESORTS, INC.'S MOTION TO
DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT**

Defendant HOST HOTELS & RESORTS, INC. ("*Defendant*"), through its counsel, hereby moves to dismiss the Second Amended Complaint filed on September 17, 2019 [ECF No. 19] ("*Complaint*") by Plaintiff Peter Strojnik, *pro se*, on the grounds that the allegations in the Complaint fail to establish subject matter jurisdiction and fail to state a claim upon which relief can be granted.

This Motion is made pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and LR7.1 of the Local Rules for the United States District Court for the District of Hawai'i, and is based on the accompanying Memorandum in Support of Motion, Request for Judicial Notice, Declaration of Counsel, other matters of which the Court may take judicial notice, the entire record and pleadings filed herein, the reply memorandum to be filed hereafter, and upon such other matters as may be presented to the Court at the time of the hearing on this Motion.¹

//

//

//

//

¹ Defendant brings this motion in compliance with LR7.8, which excepts from the pre-filing conference requirement "matters in which at least one party is pro se."

DATED: Honolulu, Hawai‘i, February 25, 2020.

/s/ Lindsay N. McAneeley

LINDSAY N. MCANEELEY

ERIKA S. GUSTIN

Carlsmith Ball LLP

TRACY A. WARREN*

RICK A. WALTMAN*

Buchalter, A Professional Corporation

(*Admitted *Pro Hac Vice*)

Attorneys for Defendant

HOST HOTELS & RESORTS, INC.